

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, January 16, 2013

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippets, Stennett, and Lacey

**ABSENT/
EXCUSED:**

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Pearce** called the meeting to order at 1:32 p.m. He announced that today's meeting will consist of hearing the remaining pending rules for the Idaho Fish and Game Commission.

**PASSING OF
GAVEL:** He then passed the gavel to **Vice Chairman Bair** who will conduct the hearings. **Vice Chairman Bair** then called on **Ms. Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game (IDFG) to present the pending rules for IDFG.

**DOCKET NO.
13-0108-1201** **Ms. Kiefer** said these rules deal with the rules governing the taking of Big Game Animals in the State of Idaho. It will allow the use of a rimfire rifle or pistol, or muzzleloading pistol to dispatch a trapped gray wolf. Also, these rules clean up several sections of rules in order to consolidate wolf trapping rules in another chapter (see Docket No. 13-0117-1201).

Senator Stennett asked for clarity relating to the different guns. Ms. Kiefer deferred the question to **Mr. Dallas Burkhalter**, Deputy Attorney General for IDFG and the IDFG Commissioners. **Mr. Burkhalter** is a sport shooter and explained the difference between rimfire and centerfire. He said that rimfire refers to the priming mechanism that ignites the cartridge and what most people think of when they hear rimfire is a .22 caliber long rifle. There is also a .17 caliber gun that is a rimfire. Other calibers are referred to as centerfire, because the primer is located in the center of the back of the cartridge for both handguns and rifles. **Mr. Burkhalter** added that rimfire is generally considered a low-power cartridge and is not what you would want to use to take a deer off the side of a hill at 100 yards, but is very efficient to take an animal that is held in a trap so that the fur is not damaged for commercial purposes.

Senator Cameron talked about the negotiating rulemaking process and referred to last Monday's conversations. He again questioned why the process was not used. **Ms. Kiefer** responded by saying that trappers would not necessarily be overly interested in sitting down with non-trappers to discuss these rules. **Senator Cameron** feels that the public needs the opportunity to negotiate (with the government entity who is trying to regulate them) and that is the benefit of the negotiated rulemaking process. **Ms. Kiefer** said the trappers came to them regarding the rimfire issue and requested it. **Senator Cameron** said her statement has helped him to know that the trappers came to the Department and requested it, and that the rule is not being "pushed" from government down.

Ms. Kiefer also indicated that these rules clean up several sections of rules in order to consolidate wolf trapping rules in another chapter (see Docket 13-0117-1201).

MOTION: **Senator Heider** made the motion to adopt Docket No. 13-0108-1201. The motion was seconded by **Senator Siddoway**. The motion carried by **unanimous voice vote**.

DOCKET NO. 13-0108-1202 **Ms. Kiefer** said that Docket No. 13-0108-1202 are rules that govern the taking of Big Game Animals. This rule implements two laws that were passed last year, *House bill 457* and *House bill 525*. This part pertains to *H457* to allow someone to accompany a disabled hunter, who holds one of IDFG's disabled types of licenses, to assist them and place the disabled hunter's tag on the animal. It also would allow the companion of the disabled hunter to dispatch the wounded animal. This was brought to the Department by an individual who was hunting and had difficulty with a wounded animal; at that time, there were no allowances for someone else to dispatch that animal.

Senator Tippets feels that some of the wording in the rule has "overkill". He also inquired as to who would be in violation, the disabled hunter or the companion, if a violation occurred. **Ms. Kiefer** stated that it would be the disabled hunter.

Ms. Kiefer said this part of the rule pertains to *H525* and was brought to the Commission by a group of hunters last session to allow a parent or grandparent to transfer a controlled hunt tag to a youth (younger than 18). Regarding general tags, there are youth general tags, so this rule is dealing specifically with controlled hunt tags. The Department agreed to keep the transfers from resident to resident and nonresident to nonresident and does not allow cross-residency transfers. It also exempts the companion of a disabled hunter from possessing a valid game tag when assisting a disabled hunter with a valid tag taking wildlife. This docket is similar to Docket No. 13-0109-1201.

Senator Tippets discussed the language on page 40, regarding age and the relationship to whom a tag would be transferred and asked for clarification. **Ms. Kiefer** stated that the Commission felt that it was clear enough in the law, but if he felt some discomfort, they could amend this rule to make it more clear.

MOTION: **Senator Tippets** made the motion to reject Docket No. 13-0108-1202. The motion was seconded by **Senator Heider**. The motion carried by a **majority voice vote**, eight (8) ayes to one (1) nay.

DOCKET NO. 13-0108-1203 **Ms. Kiefer** said this docket makes rule changes to implement the Governor's Wildlife Partnership Tags created by *Senate bill 1256*. The tags would be taken from the nonresident tag quota, making it the same procedure as the existing big horn sheep auction and lottery tags. The Governor's Wildlife Partnership Tags were also added to the exemption of the one year waiting period that applies to regular controlled hunts. The cleanup part of the rule was to change the word "winner" to "recipient".

MOTION: **Senator Siddoway** made the motion to adopt Docket No. 13-0108-1203. The motion was seconded by **Senator Heider**. The motion carried by **unanimous voice vote**.

DOCKET NO. 13-0108-1204 **Ms. Kiefer** said this rule makes amendments to the Motorized Hunting Rule to improve clarity and outreach to help both hunters and other motorized recreationists understand the Motorized Hunting Rule. Definitions are clarified and the rule provides for unit application rather than hunt designation. It will now say for "units", hunting rules are in effect from August 30 to December 31. No more new units will be added unless other units are released. This is a Motorized Hunting Rule, not a Motorized Vehicle Use Restriction.

Senator Cameron expressed his concern, again, about the process of rulemaking and also his concern about the definition of a "hunter" as defined on page 58. He says it is in Idaho Code, but feels that it should be changed. His objection is to the words "worrying" and "lying in wait", as they are subjective, not appropriate and could be interpreted in a very vague way. Also, as far as All Terrain Vehicles (ATVs) on private land, he feels that verbal permission should be acceptable, not just written permission. **Ms. Kiefer** replied that requiring written permission from the landowner was to protect the landowner, and is a way to keep people from saying they had permission when, in fact, they did not. **Senator Cameron** said that sometimes it is a hassle for individuals to get written permission from a landowner. **Senator Cameron** also shared that some ATV user groups felt like they did not get an opportunity to participate in the input.

MOTION: **Senator Heider** made the motion to adopt Docket No. 13-0108-1204. The motion was seconded by **Senator Siddoway**.

SUBSTITUTE MOTION: **Senator Cameron** made a substitute motion to reject Docket No. 13-0108-1204. The motion was seconded by **Senator Brackett**.

Chairman Pearce asked for a **roll call vote**. Voting aye (4) on the substitute motion were Senators Cameron, Brackett, Tippetts, and Chairman Pearce. Voting nay (5) were Senators Siddoway, Heider, Stennett, Lacey, and Vice Chairman Bair. The substitution motion failed.

Voting aye (6) on the original motion were Senators Lacey, Stennett, Heider, Siddoway, Vice Chairman Bair, and Chairman Pearce. Asked to be recorded as voting nay (3) were Senators Cameron, Brackett, and Tippetts. The original motion carried.

DOCKET NO. 13-0108-1205 **Ms. Kiefer** said this Docket is related to a previous Landowner Appreciation Program (LAP) docket that the committee has rejected. This proposed rule implements a one year waiting period for antlered deer and elk LAP hunts oversubscribed by a ratio of 2:1 or greater.

MOTION: **Senator Brackett** made the motion to reject Docket No. 13-0108-1205. The motion was seconded by **Senator Cameron**. The motion carried by **unanimous voice vote**.

DOCKET NO. 13-0109-1201 This docket deals with Rules Governing the Taking of Game Birds in the State of Idaho. **Ms. Kiefer** said that tags deal with big game and permits deal with turkeys (birds). A corollary rule has been created for a permit and it relates to the same two laws that dealt with a disabled hunter dispatching an animal or putting a tag on it.

MOTION: **Senator Tippetts** made the motion to reject Docket No. 13-0109-1201 for all the same reasons that the committee rejected the previous dockets that had the same provisions in them. The motion was seconded by **Senator Cameron**. The motion carried by a **majority voice vote** (8-1).

DOCKET NO. 13-0109-1202 **Ms. Kiefer** said this docket relates to Rules Governing the Taking of Game Birds in the State of Idaho. When the rules were codified previously, the rules for validating sandhill crane tags did not get brought forward and entered into the rule book. This rule is just putting it in the proper place and considered "cleanup".

MOTION: **Senator Tippetts** made the motion to adopt Docket No. 13-0109-1202. The motion was seconded by **Senator Cameron**. The motion carried by **unanimous voice vote**.

**DOCKET NO.
13-0109-1203**

Ms. Kiefer testified that this docket also relates to game birds and the following changes are proposed: 1) Clarify the Wildlife Management Area (WMA) permit marking requirement to require nonerasable ink and removal of notching permits; 2) Require that Eurasian collared doves have a fully feathered wing or head attached while in the field or in transport to their final place of consumption to improve identification; and 3) Allow an exception to the Hagerman WMA hunting closure for Department sponsored waterfowl hunts.

MOTION:

Senator Heider made the motion to adopt Docket No. 13-0109-1203. The motion was seconded by **Senator Stennett**. The motion carried by **unanimous voice vote**.

**DOCKET NO.
13-0109-1204**

This docket also deals with Rules Governing the Taking of Game Birds. **Ms. Kiefer** stated that the rule rescinds the Motorized Hunting Rule from this chapter of rules.

MOTION:

Senator Siddoway made the motion to adopt Docket No. 13-0109-1204. The motion was seconded by **Senator Heider**. The motion carried by a **majority voice vote** (8-1). **Senator Stennett** asked to be recorded as voting no.

**PASSING OF
GAVEL:**

Vice Chairman Bair announced that the remaining rules on the agenda would be heard at a future date. He then passed the gavel to **Chairman Pearce**

ADJOURNED:

Chairman Pearce adjourned the meeting at 3:05 p.m.

Senator Pearce
Chairman

Juanita Budell
Secretary